

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

For Online Publication Only

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UNITED STATES OF AMERICA,

-against-

ORDER

20-CR-335 (JMA)

SEAN NOVIS, and GARY DENKBERG,

Defendants.

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AZRACK, United States District Judge:

I overruled Mr. Denkberg's objection to Exhibit 654. This chart is admissible under Rule 1006. The underlying data at issue is voluminous and cannot be conveniently examined in court. The government provided the underlying files to the defense well in advance of trial. Rule 1006 provides that the court "may order the proponent to produce" the underlying originals in court. The Court finds no reason to do so here. The government's pretrial submissions set out multiple reasons why requiring production of the originals in court is not warranted here, including the fact that Microsoft Access is difficult to operate properly. The Court finds these reasons compelling. Defense counsel has not offered any persuasive reasons for ordering production here.

Defendants also objected to other charts that concerned specific alleged victims. I admitted those charts because they are based upon and fairly represent evidence that is already before the jury. The charts summarize information that otherwise may have been difficult for the jury to synthesize and evaluate. And, the charts would be helpful to the jury in evaluating this evidence. Finally, the charts are not prejudicial.

In my final instructions to the jury, I will instruct them concerning their consideration of the various charts in evidence.

SO ORDERED.

Dated: May 4, 2022
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE